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REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

Claims 1-4, 11, 13, 17, 18 and 21-22 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Carolan '203 while claims 12 and 14 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Carolan '203. The Applicant acknowledges and respectfully traverses the raised anticipatory and obviousness rejections in view of the following remarks.

Carolan '203 relates to a water closet for passenger aircraft. The water closet has a waste holding tank 10 which is depicted as sloping to a low spot in the bottom of the waste holding tank 10. A conduit extends from the low spot to a lower waste drain connection, enabling removal of waste from the storage tank. This reference is directed at attempting to solve the leakage problem from the holding tank into the lower waste drainage connection while an airplane, incorporating such water closet for passenger aircraft, is in flight.

In order to solve this problem, Carolan '203 includes a U shaped inverted tube through which waste can be selectively removed from the tank. An inverted U-shaped drain valve assembly 20 is made as two halves or parts 21, and 22. Part 21 is movably rotated with respect to part 22 which is mounted rigidly within the tank. Part 21 is connected with part 22 through a rotatable joint 23.

To facilitate rotation of part 21, a cable 27 is wrapped around a series of pulleys and operation of the cable is controlled by a control handle 37. A free rotatable end of rotatable part 21 has an intake opening 21A which is movable from the position which communicates with the waste contained in the tank to an elevated position where the opening 21A is sealed and does not communicate with the waste contained within the tank and prevents leakage during the time that the waste holding tank is not in the process of being emptied. That is, the intake opening 21A is pivotable upward away from the bottom of the holding tank 10 to a closed position in abutting engagement with a resilient member provided on the top of the holding tank. Such

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engagement thus forms a fluid seal between the drain intake opening 21A and a resilient member.

To facilitate emptying waste from the holding tank, an operator pulls on a cable which rotates the drain intake opening 21A, provided at the second end of the inverted U shaped tube, to a lower position adjacent the bottom of the holding tank 10. In this position, the waste can then flow into the drain intake opening 21A to the waste drain connection thus allowing removal of the waste from the holding tank 10.

As is apparent from the above discussion of Carolan '203, the disclosed arrangement of Carolan '203 is distinctly different from the currently claimed invention. In particular, the presently pending claims now recited the limitations of Inlet being fixedly located in the lower portion of the storage tank and in constant and continuous communication with any human waste and liquid contained within the storage tank. That is, the opening to the drain is not able to pivot or move from a closed first position to a second open position, or vice versa, but is permanently located at the bottom of the holding or waste tank and always in fluid communication with the waste contained therein. This ensures that human waste and liquid, contained within the storage tank, is able to flow into the tank pumping coupling and along portion of the pumping conduit. In addition, the wall pumping coupling is located at a height which is vertically above both the storage tank and the tank pumping coupling thus allowing the drain line to contain fluid without having to be concerned with leakage of the waste, e.g., either solid and/or liquid, past the wall pumping coupling.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims of this application now recite the features of "[a] chemical toilet comprising: a housing..... and an exterior wall of the housing having a wall pumping coupling and a lower portion of the storage tank having a tank pumping coupling and the wall and tank pumping couplings being interconnected with one another by a pumping conduit to facilitate pumping of human waste and liquid from the storage tank via the pumping conduit during servicing of the chemical toilet by a service vehicle, an inlet defined by the tank

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pumping coupling and the inlet being fixed located in the lower portion of the storage tank and in constant and continuous communication with any human waste and liquid contained within the storage tank such that any human waste and liquid contained within the storage tank is free to flow into the tank pumping coupling and a portion of the pumping conduit." Claims 5, 17 and 21 recite the additional feature of "the wall pumping coupling being located horizontally above both the storage tank and the tank pumping coupling to prevent leakage of the human waste and liquid via the wall pumping coupling". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Next, claims 5 and 6 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Carolan '203, as applied supra, in view of Corsiglia '821. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

Corsiglia '821 relates to a portable toilet with a storage tank having a pipe extending from adjacent the bottom of the tank to the outside of the shelter. As can be seen in Fig 2, the outlet pipe is a straight horizontal pipe which is level with the ground. That is, the service end of the outlet pipe is at the same height as the tank outlet. This arrangement would not prevent undesired leakage. In order to stop leakage, Corsiglia '821 places a maintaining valve 60 along the outlet pipe. The valve 60 is opened during servicing to allow the passage of waste along the outlet pipe, and closed while the waste tank is not being serviced. This unnecessary step adds to the task of servicing the toilet and adds the associated costs of an unnecessary valve. This reference relates to an arrangement which is in distinct contrast with the claims of the current application.

In summation, the Applicant respectfully submits that the combination of Carolan '203 with Corsiglia '821 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, the raised rejection in view of this combination of Carolan '203 and Corsiglia '821 should be withdrawn at this time in view of the above amendments and remarks.

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If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

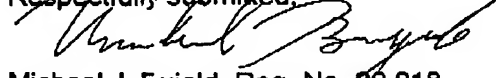
In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Carolan '203 and/or Corsiglia '821 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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